

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHERRY TROST,

Plaintiff,

v.

Case No. 1:09-cv-580
Hon. Hugh W. Brenneman, Jr.

ZACHARY TROST, *et al.*,

Defendants.

/

**ORDER GRANTING DEFENDANT ZACHARY TROST'S MOTION FOR SUMMARY
JUDGMENT IN PART AND DIRECTING ALL PARTIES TO PRESERVE THE
PROPERTY WHICH IS THE SUBJECT OF THIS LAWSUIT**

On August 13, 2010, the parties appeared before the court for oral argument on defendant Zachary Trost's motion for summary judgment (docket no. 33). This lawsuit involves various claims related to certain property identified as "all original episodes" of the television program "Michigan Outdoors" and "the rights thereto." *See* Amend. Compl. at ¶¶ 6 and 36. Based upon the exhibits and the representations made to this court at the motion hearing, it appears that the episodes at issue in this lawsuit were stored on videotape or other media (such as a computer hard drive or DVD). During the course of the motion hearing, plaintiff's counsel agreed to dismiss her second claim for relief ("breach of implied covenants") and her sixth claim for relief ("statutory conversion - M.C.L.A. 600.2919a"). In addition, the court addressed plaintiff's seventh claim for relief, which seeks an injunction requiring defendant preserve the property (i.e., the episodes) pending the resolution of this lawsuit.

Upon due consideration of briefs filed by the parties and the arguments presented by counsel at the August 13, 2010 hearing,

IT IS ORDERED that defendant's motion for summary judgment (docket no. 33) is **GRANTED** as to plaintiff's second and sixth claims for relief.

IT IS FURTHER ORDERED that to maintain the status quo and preserve the property at issue in this lawsuit, both plaintiff and defendants are **ENJOINED** from selling, transferring, destroying, disposing, injuring or otherwise causing any damage to the videotapes or other media (including but not limited to DVD's and computer hard drives) which contain these episodes.

The court will address defendants' motion for summary judgment as it pertains to plaintiff's first, third, fourth and fifth claims for relief in a separate opinion and order.

Dated: August 27, 2010

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge